

ZB# 06-03

**Cregan/Callahan
(Lot Line Change)**

20-2-17.22 & 19

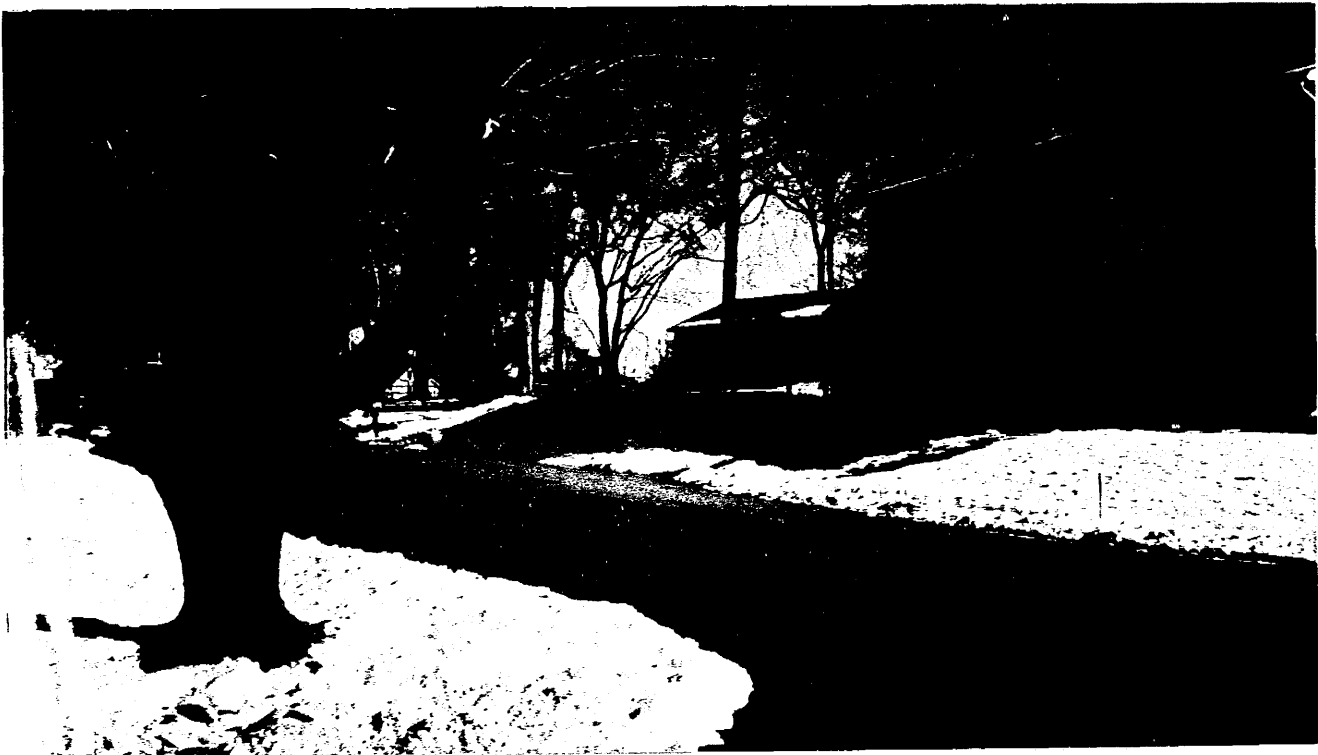
6-03

CREAGAN/CALLAHAN LL CHG (AREA)
12 & 14 FERNANDEZ DR. (20-2-17.22,19,

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 2-27-06









Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

OFFICE OF THE ZONING BOARD OF APPEALS

June 27, 2006

Patrick Callahan (Phyllis Creagan)
12 Fernandez Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #06-03

Dear Mr. Callahan:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 20-2-17.22 & 19

-----X
In the Matter of the Application of
CALLAHAN / CREAGAN

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #06-03
-----X

WHEREAS, William Hildreth, L.S. represented, owner(s) of 12 Fernandez Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 26,777 Minimum Lot Area; and 17.3 feet Rear Yard Setback as referred from Planning Board for proposed Lot Line Change ;

WHEREAS, a public hearing was held on February 27, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property consists of two adjacent residential lots located in a residential neighborhood.
 - (b) What is proposed are variances to allow a Lot Line Change between the two lots shifting ownership of what is known as "The Back Yard".
 - (c) Both of the existing lots are sub-standard in size according to the current Zoning Law of the Town of New Windsor.

- (d) If the variances are granted, the resulting Lot Line Change will result in no visual difference in the lots.
- (e) All of the lots in the adjacent area predate zoning and are developed. At least one of the two lots in question appears to be substantially larger than other lots in the neighborhood, notwithstanding the new Zoning Regulations.
- (f) Both lots are developed and the parties have no intention of erecting a new structure on either premises or subdividing or seeking a subdivision of either premises.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

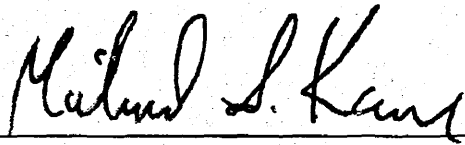
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 26,777 Minimum Lot Area; and 17.3 feet Rear Yard Setback as referred from Planning Board for proposed Lot Line Change at Fernandez Drive (20-2-17.22 & 19) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: February 27, 2006

A handwritten signature in black ink, reading "Michael S. Kang", is written over a horizontal line.

Chairman

**OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, NY**

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION

PLANNING BOARD FILE NUMBER: **05-28**

DATE: **19 OCTOBER 2005**

APPLICANT:

PATRICK CALLAHAN
12 FERNANDEZ DRIVE
NEW WINDSOR, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: **9-6-05**

FOR: LOT LINE CHANGE

LOCATED AT: **12 FERNANDEZ DRIVE**

ZONE: **R-4**

DESCRIPTION OF EXISTING SITE: SEC: **20** BLOCK: **2** LOT: **17.22 & 19**

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

LOT AREA AND REAR SETBACK (LOT 17.22)

TOWN OF NEW WINDSOR CODE: **BULK TABLES**



MICHAEL BABCOCK,
BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued

REQUIREMENTS

P.B. # **05-28**

ZONE: **R-4**

USE: **SFR**

	REQUIRED	PROPOSED		VARIANCE REQUESTED	
MIN. LOT AREA	43,560	16,783	22,524	26,777**	*
MIN. LOT WIDTH	125	119.5*	123.9*	*	*
REQUIRED FRONT YARD	45	46.8*	14.3*	*	*
REQUIRED SIDE YARD	20	24.3	35.7	---	---
REQUIRED TOTAL SIDE YARD	40	68.9	73.9	---	---
REQUIRED REAR YARD	50	32.7	154.2	17.3**	---
REQUIRED FRONTAGE	70	59*	124.4	*	---
MAX. BLDG. HT.	35	35	35	---	---
FLOOR AREA RATIO	NA	---	---	---	---
MIN. LIVABLE AREA	1,200	1,250	1,390	---	---
DEVELOPMENTAL COVERAGE	20	15	9	---	---
O/S PARKING SPACES	---	---	---	---	---

* Pre-Existing Non-Conforming

** Variance Required

PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: MAY 31, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 170.78 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-03

NAME & ADDRESS:

**Patrick Callahan (Phyllis Creagan)
12 Fernandez Drive
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.05-31-06



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS



FILE #06-03 TYPE: AREA TELEPHONE: 561-0680

APPLICANT:

Patrick Callahan (Phyllis Creagan)
12 Fernandez Drive
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>187</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 188



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$5.50 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>3</u>	PAGES	\$ <u>16.50</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>4</u>	PAGES	\$ <u>28.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date: 2/10/06 \$ 14.72

TOTAL:	\$ <u>59.22</u>	\$ <u>70.00</u>
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ESCROW POSTED:	\$ 300.00
LESS: DISBURSEMENTS:	\$ <u>129.22</u>

AMOUNT DUE: \$ _____

REFUND DUE: \$ 170.78

Cc:

L.R. 05-31-06

CALLAHAN/CREAGAN_(06-03)

MR. KANE: Request for 26,777 minimum lot area and 17.3 feet rear yard setback as referred from planning board for proposed lot line change at Fernandez Drive.

Mr. William Hildreth appeared before the board for this proposal.

MR. HILDRETH: My name is Bill Hildreth, I'm a land surveyor who prepared the plan we'll be looking at. I'm representing the property owners, Mrs. Creagan and Mr. Callahan who's also the applicant. What we have here is a lot line change between two homeowners that's basically an exchange of back yards. The Creagan lot was purchased in 1986 and consists of currently just under 30,000 square feet and the Callahan lot was bought in 2004 and is a little under 10,000 square feet. Both of those lots are currently substandard, however, they reside in an R-4 zone in a nice little neighborhood in New Windsor between Union Avenue and Silver Springs Road and neither one of those lots to start with are out of the ordinary with respect to the neighborhood. The exchange parcel is a little over half acre and consists of unused back yard portion of the Creagan lot, they haven't maintained it, they haven't mowed it, haven't done a thing with it since they owned it. Because Mrs. Creagan is elderly and the Callahans are young and starting a family, they have been talking and they decided amongst themselves they'd like to exchange the back yards. The lot line change creates the need for two variances that we're asking for, both of these lots are currently substandard as Mike can tell you with respect to the new zoning, there are a couple of these pre-existing, non-conformities that are unchanged by what we're doing. As an example, lot width there are some that will be removed or decreased but we do need three, the two variances one is since we're making the Creagan lot smaller obviously we need a variance for that lot area, and in making it

smaller, we also need a variance for the rear yard setback line up against the new lot line for the deck on the Creagan lot. The variance we're asking for is not out of line with the neighborhood, in fact, it's less than what the rear yard setback used to be or currently is for the Callahan lot which would disappear as a result of the lot line change. When all is said and done the lot to be transferred is about half an acre, the Creagan lot will be about 7,000 square feet bigger than the Callahan lot was to begin with and the Callahan lot after the lot line change will be about 7,000 square feet smaller than the Creagan lot was to start with. If you look at the, your right corner of the map, you can see a tax map, very good idea of what the lots in the area look like. The Creagan lot for which we're asking for the lot area variance is still going to be larger than the other five lots that touch it with the exception of the new Callahan lot. So there's two variances, the most substantial is the lot area but it's not out of line with the neighborhood.

MR. KANE: Easements going with the proposed--

MR. HILDRETH: No easements, again, lot line change, there's no improvements proposed with this. Obviously, if with a bigger back yard at some point in time Mr. Callahan wants to build a pool, add to the house, whatever, he's got to at least deal with the building department if not planning or zoning depending on what it is he wants to do.

MR. KANE: And you're really taking a really super big lot.

MR. HILDRETH: It's one of the bigger lots in the neighborhood as you can see by looking at the tax map what Mr. Callahan is going to end up with is something slightly smaller, certainly not bigger and the resultant Creagan lot encompasses everything that they have been using since 1986, we purposely located as

part of our survey work the edge of the lawn so that that was incorporated into the remaining Creagan lot.

MR. KANE: Okay, I really don't have any, it's pretty straightforward for me.

MR. TORPEY: It's a good idea.

MR. KANE: I'll ask at this point if there's anybody in the audience for this particular hearing? Seeing as there's not, we'll open and close the public portion of the hearing, ask Myra how many mailings we had.

MS. MASON: On February 8, I mailed out 67 envelopes and had no response.

MR. HILDRETH: None?

MR. KANE: None, nobody cares.

MR. KRIEGER: Just for the record, both lots are developed, there's no plan to put any additional development on the lots?

MR. HILDRETH: Not at the moment and certainly not with the Creagan lot, obviously, with the increase in the back yard at the very least he might want to add to the back of his house and/or put in a pool. There are no plans for that at the moment that I'm aware of. Common sense would dictate that's a possibility.

MR. KRIEGER: But they wouldn't be building a second home?

MR. HILDRETH: That would require a subdivision, that's not in the works.

MR. KRIEGER: Visually for someone looking at this driving by there would be at this point--

MR. HILDRETH: They're not going to know what happened.

MR. KRIEGER: No difference.

MR. HILDRETH: No.

MR. TORPEY: Taxes will go up.

MR. HILDRETH: That's between the two homeowners but the guy driving by isn't going to see that.

MR. KANE: Any other questions? I'll accept a motion.

MS. GANN: I'll offer a motion that we grant Callahan and Creagan's request for 26,777 minimum lot area and 17.3 feet rear yard setback as referred from the planning board for the proposed lot line change at Fernandez Drive.

MR. LUNDSTROM: I'll second that, Mr. Chairman.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

Please return with payment
Invoice



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Date	Invoice #
2/28/2006	7405

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

P.O. No.	Terms	Project
43764	Due on receipt	

Issue Date	Description	PCS/Units	Amount
2/10/2006	LEGAL ADS: APPEAL NO. 06-03 ✓ 2 AFFIDAVITS	6.72 8.00	6.72 8.00
2/10/2006	LEGAL ADS: APPEAL NO. 05-72 2 AFFIDAVITS	3.16 8.00	3.16 8.00
2/10/2006	LEGAL ADS: APPEAL NO. 06-05 2 AFFIDAVITS	6.32 8.00	6.32 8.00
		Total	\$40.20

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845)
562-1218

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:
Appeal No. 06-03
Request of CALLAHAN/CREAGAN
for a VARIANCE of the Zoning Local Law to Permit:
Request for 26,777 Minimum Lot Area, and 17.3 feet Rear Yard Setback as referred from Planning Board for proposed Lot Line Change at Fernandez Drive (20-2-17.22 & 19)
PUBLIC HEARING will take place on FEBRUARY 27, 2006

State of New York
County of Orange, ss:
Lucas Ladlee being duly
sworn disposes and says that he is The
Supervisor of Legal Dept. of the E.W. Smith
Publishing Company; Inc. Publisher of The
Sentinel, a weekly newspaper published and
of general circulation in the Town of New
Windsor, Town of Newburgh and City of
Newburgh and that the notice of which the
annexed is a true copy was published 1x
in said newspaper, commencing on
the 10 day of Feb. A.D., 2006
and ending on the 10 day of Feb.
A.D. 2006

Lucas W. Ladlee

Subscribed and shown to before me
this 8th day of Nov., 2006

Deborah Green

Notary Public of the State of New York
County of Orange.

Notary Public of the State of New York
County of Orange
Commission Expires July 15, 2007

My commission expires 7-15-07

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

CALLAHAN/CREAGAN

#06-03

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)


That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 8TH day of **FEBRUARY**, 2006, I compared the 67 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

8th day of February, 2006


Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

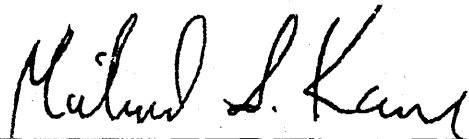
Appeal No. 06-03

Request of CALLAHAN/CREAGAN

for a VARIANCE of the Zoning Local Law to Permit:

Request for 26,777 Minimum Lot Area; and 17.3 feet Rear Yard Setback as referred from Planning Board for proposed Lot Line Change at Fernandez Drive (20-2-17.22 & 19)

**PUBLIC HEARING will take place on FEBRUARY 27, 2006
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**

A handwritten signature in black ink, appearing to read "Michael S. Kane", written over a horizontal line.

Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

January 23, 2006

Patrick Callahan
c/o William Hildreth
407 South Plank Road
Newburgh, NY 12550

Re: 20-2-17.22 & 19 ZBA#: 06-03 (67)

Dear Mr. Hildreth:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$85.00, minus your deposit of \$25.00.

Please remit the balance of \$60.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

20-1-1 City of Newburgh School District ATT: E. Phillips 124 Grand Street Newburgh, NY 12550	20-1-15.2 Adam Mejias Linda Lugo-Mejias 3 Queen Street New Windsor, NY 12553	20-1-16 Barbara Coan 58 Silver Spring Road New Windsor, NY 12553
20-1-17 Frances Stasio 1420 Grand Ct NW Palm Bay, FL 32907	20-1-18 Iraj & Linda Atrchi 64 Silver Spring Road New Windsor, NY 12553	20-1-19 Anne Harris 1 Riverview Avenue New Windsor, NY 12553
20-1-20 William & Julia Crandall 3 Riverview Avenue New Windsor, NY 12553	20-1-27 Joyce Opoku 6 Riverview Avenue New Windsor, NY 12553	20-1-28 Robert & Suzanne Barr 10 Savannah Lane Newburgh, NY 12550
20-1-29 Lisa Calapa 2 Riverview Avenue New Windsor, NY 12553	20-1-30 Laura & Wade Cornman, Jr. 66 Silver Spring Road New Windsor, NY 12553	20-1-31 George & Alice Tibby 68 Silver Spring Road New Windsor, NY 12553
20-1-32 William & Gladys Lawlor c/o Lawlor 1845 N. Banana River Drive Merritt Island, FL 32952	20-1-33 Roland Verdier 72 Silver Spring Road New Windsor, NY 12553	20-1-34 June Miller 74 Silver Spring Road New Windsor, NY 12553
20-2-5 Dawn Farrow 8 Tree Haven Lane New Windsor, NY 12553	20-2-6 Antoinette Ferraiolo 3 Archery Road Newburgh, NY 12550	20-2-7 Deirdre Cocchia 99 Silver Spring Road New Windsor, NY 12553
20-2-8 Armen & Jana Papazian 97 Silver Spring Road New Windsor, NY 12553	20-2-9 Vernon & Claudia Couser 93 Silver Spring Road New Windsor, NY 12553	20-2-10 Mark Armour, II 1 Tree Haven Lane New Windsor, NY 12553
20-2-11 & 12 Frank Maresco 3 Tree Haven Lane New Windsor, NY 12553	20-2-13 Charles I & Jane Thompson 24 Fernandez Drive New Windsor, NY 12553	20-2-14 George Kingsley 87 Silver Spring Road New Windsor, NY 12553
20-2-15 Raffaella Trent P.O. Box 4736 New Windsor, NY 12553	20-2-16 William & Kathleen Spellman 20 Fernandez Drive New Windsor, NY 12553	20-2-17.1 & 17.23 Michael Petrocelli 73 Silver Spring Road New Windsor, NY 12553
20-2-17.211 Margaret & Tristan Welling 81 Silver Spring Road New Windsor, NY 12553	20-2-17.212 Charles Sandike 77 Silver Spring Road New Windsor, NY 12553	20-2-18 Mickey J & Donna T Yannone 16 Fernandez Avenue New Windsor, NY 12553

20-2-20
Rafael & Lola Colon
10 Fernandez Drive
New Windsor, NY 12553

20-2-23.1
Dominick Ponzo
69 Silver Spring Road
New Windsor, NY 12553

20-2-25
William & Dale Hein
59 Silver Spring Road
New Windsor, NY 12553

20-2-29
Maureen Coan
53 Silver Spring Road
New Windsor, NY 12553

20-2-31
Marion Joan Bouton
4 Fernandez Drive
New Windsor, NY 12553

20-2-71
Georgina Ahl
3301 US Alt 19N Lot 163
Dunedin, FL 34698

20-2-78
William & Francis Dobson
56 Union Avenue
New Windsor, NY 12553

20-2-81
Rudi Lemus
17 Fernandez Drive
New Windsor, NY 12553

20-2-84
Richard & Linda Ostner
66 Union Avenue
New Windsor, NY 12553

20-2-90
Salvador & Irene Paratore
810 Glen Abbey Way
Melbourne, FL 32940

20-2-21
Milton & Patricia Dietz
8 Fernandez Drive
New Windsor, NY 12553

20-2-23.2
Carol & Samuel Russo, Jr.
67 Silver Springs Road
New Windsor, NY 12553

20-2-26
Maureen Howard
53 Silver Spring Road
New Windsor, NY 12553

20-2-30.12
Mary Kelly
735 Jacqueline Drive
Valley Cottage, NY 10989

20-2-32
Maureen Grzibowski
2 Fernandez Drive
New Windsor, NY 12553

20-2-73
Robert & Patricia Chisholm
44 Union Avenue
New Windsor, NY 12553

20-2-79
Robert Bamberger
Mary Ann Watson-Bamberger
60 Union Avenue
New Windsor, NY 12553

20-2-82
Barbara Gilliamsen
19 Fernandez Drive
New Windsor, NY 12553

20-2-86
Ramon & Nube Mendieta
70 Union Avenue
New Windsor, NY 12553

20-2-93.1
Richard & Beth Fiore
Box 1150
Newburgh, NY 12550

20-2-22
Maurice & Margaret O'Connor
6 Fernandez Drive
New Windsor, NY 12553

20-2-24.1
George & Charlene VanHouten
65 Silver Spring Road
New Windsor, NY 12553

20-2-27.1
Christine LoBello-Bamberg
55 Silver Spring Road
New Windsor, NY 12553

20-2-30.21 & 30.22
Charles Valois
4 Jersey Court
New Windsor, NY 12553

20-2-33.2
Richard Ostner
82 Bethlehem Road
New Windsor, NY 12553

20-2-75
Renee & Kenneth Hirsch
48 Union Avenue
New Windsor, NY 12553

20-2-80
James & Rose Marie Ray
62 Union Avenue
New Windsor, NY 12553

20-2-83
Mary Smith
21 Fernandez Avenue
New Windsor, NY 12553

20-2-87, 88 & 89
Rosemarie Callan
76 Union Avenue
New Windsor, NY 12553

20-2-93.2
Frank Scarbaci
25 Fernandez Drive
New Windsor, NY 12553

20-2-94
Brian & Suzanne Bove
79 Silver Spring Road
New Windsor, NY 12553

23-1-6.1
Jennifer Guiffre
51 Union Avenue
New Windsor, NY 12553

23-1-11
Barbara Joslyn
35 Union Avenue
New Windsor, NY 12553

23-1-8
New Pro Dev Corp.
12 Lisa Court
Plainview, NY 11803

20-2-93.3
Michael Forrester
Kathleen Cummings
23 Fernandez Drive
New Windsor, NY 12553

23-1-10
Ulf & Charlotte Ostman
39 Union Avenue
New Windsor, NY 12553

23-1-5
Albert Minnick, Jr.
61 Union Avenue
New Windsor, NY 12553

January 9, 2006

11

CALLAHAN/CREAGAN_ (06-03)

MR. KANE: Request for 26,777 minimum lot area and 17.3 feet rear yard setback as referred from Planning Board for proposed lot line change at Fernandez Drive.

Mr. William Hildreth appeared before the board for this proposal.

MR. KANE: How you doing?

MR. HILDRETH: My name is Bill Hildreth, I'm a land surveyor that prepared the plan. What we're dealing with here is a basically a swap of back yards, it consists of a little over half an acre taking from one lot, Creagan lot and add it to the Callahan lot. Since both lots start out as non-conforming to the current standards, we obviously need some variances, some of the non-conformances that exist will be either eliminated or decreased, we'll be creating two new substandard numbers lot area for the Creagan lot and what the heck was the other one, oh, back yard rear yard for the Creagan lot because we're making it smaller.

MR. KRIEGER: It's already two lots just a question of--

MR. HILDRETH: Not creating any more lots but we're creating a need for a rear yard variance on the Creagan lot when none was there under its original.

MR. KRIEGER: But when you said just wanted it straight when you said creating lots there are already two lots turning two lots into two lots.

MR. HILDRETH: Yes, there's no subdivision here and create two lots adjoining each other in such a way that basically it's the same back yard for either lot, they're just switching ownership. The Creagan lot is

January 9, 2006

12

owned by Mrs. Creagan, she's an elderly woman being cared for by her son and she's never used this back yard and the Callahans recently purchased the other lot expressed an interest financially, it will work out for the Creagans so we're here. The variances we need are for lot area on the Creagan lot because we're making it smaller, they're going to end up with 16,780 which is still bigger than any of the other lots that touch it.

MR. KANE: Still bigger?

MR. HILDRETH: Right, this is not in any way, shape or form out of character with the neighborhood at all.

MR. KANE: The lot size?

MR. HILDRETH: Not at all.

MR. KANE: Considered a big lot in that area.

MR. HILDRETH: The Creagan lot is one of the larger lots and the end result is the Callahan lot is going to be slightly smaller than the Creagan lot was to start with, again, not out of character with the neighborhood.

MR. KANE: The original property was this and this was this little?

MR. HILDRETH: Correct.

MR. KANE: We're going to go with this dark line right here?

MR. HILDRETH: You have it absolutely right. Now you can see and that plan that I have drawn that's the limits of the back yard that's been maintained by the Creagan lot for a long time so the rest of it was just unused. I can't wait for you to ask me one of the questions you're going to ask.

January 9, 2006

13

MR. KANE: Creating any water hazards or runoffs?

MR. HILDRETH: No, there's no improvement required or proposed as part of this lot line change.

MR. KANE: Michael, the 17.3 is that off of this house here from the deck?

MR. HILDRETH: Right, we need and we only have 32.7.

MR. KANE: Okay.

MR. BABCOCK: Again 50 foot requirement is the new zoning, didn't pertain to these houses when they were built.

MR. HILDRETH: 32.7 is not out of line.

MR. KANE: No, it's not, it's not as bad as it looked first coming in. I think we answered the questions about the character, you know all the preliminary stuff anyway. Accept a motion.

MS. LOCEY: Yes, I'll make a motion to schedule a public hearing on the application of Callahan/Creagan regarding request for 26,777 minimum lot area and 17.3 foot rear yard setback as referred from the planning board for a proposed lot line change at Fernandez Drive.

MS. BROWN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. KANE	AYE

ZBA # 06-03 application fee

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#16-2006**

01/09/2006

Callahan, Patrick M.

**Received \$ 50.00 for Zoning Board Fees, on 01/09/2006. Thank you for
stopping by the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**



January 9, 2006

ZBA # 06-03
P.B.# _____

PROXY

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

CARRIED: Y___N___

CARRIED: Y_____N_____

CARRIED: Y_____N_____

CARRIED: Y____N____

VOTE: A 4 N 0

CARRIED: Y ✓ N

M)___ S)___ VOTE: A___ N___.

CARRIED: Y_____N_____.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

RECEIPT OF ESCROW RECEIVED:

FOR: **ESCROW 06-03**

CHECK FROM:

SAME

TELEPHONE: 561-0680

AMOUNT: 300.00

NAME Gaylin

1-9-06

DATE _____

THANK YOU

TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

DATE: 01-09-06 PROJECT NUMBER: ZBA# 06-03 P.B. # _____

APPLICANT NAME: PATRICK CALLAHAN

PERSON TO NOTIFY TO PICK UP LIST:

WILLIAM HILDRETH
407 SOUTH PLANK ROAD
NEWBURGH, NY 12550

TELEPHONE: 566-6650

TAX MAP NUMBER: SEC. 20 BLOCK 2 LOT 17.22 & 19
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 12 & 18 FERNANDEZ DRIVE
NEW WINDSOR

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 189

TOTAL CHARGES: _____



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

16 DECEMBER 2005

Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☐ Interpretation ☐

I. Owner Information: PHYLLIS CREAGAN Phone Number: ()
(Name) Fax Number: ()
18 FERNANDEZ DRIVE NEW WINDSOR, N.Y. 12553 (TAX LOT 17.22)
(Address)

II. ~~OWNER~~ Applicant: PATRICK CAULAHAN Phone Number: (845) 561-0680
(Name) Fax Number: ()
12 FERNANDEZ DRIVE NEW WINDSOR, N.Y. 12553 (TAX LOT 19)
(Address)

III. Forwarding Address, if any, for return of escrow: Phone Number: ()
(Name) Fax Number: ()
/
(Address)

IV. ~~Contractor/Engineer/Architect~~/Surveyor/: Phone Number (845) 566-6650
Fax Number: (845) 566-6693
WILLIAM B. HILDRETH, L.S.
(Name)
407 SOUTH PLANK ROAD UNIT 3 NEWBURGH, N.Y. 12550
(Address)

V. Property Information:
Zone: R-4 Property Address in Question: 12 E 18 FERNANDEZ DRIVE
Lot Size: 0.9 AC Tax Map Number: Section 20 Block 2 Lots 17.22 & 19
a. What other zones lie within 500 feet? NC
b. Is pending sale or lease subject to ZBA approval of this Application? YES
c. When was property purchased by present owner? Tax Lot 17.22 - 1986; Tax Lot 19 - 2004
d. Has property been subdivided previously? NO If so, When: N/A
e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE:*****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>		<u>Variance Request</u>	
		<u>Tax Lot 17.22</u>	<u>Tax Lot 19</u>	<u>Tax Lot 17.22</u>	<u>Tax Lot 19</u>
Min. Lot Area	43,560 S.F.	16,783 S.F.	22,524 S.F.	26,771 S.F.	16,783 S.F.
Min. Lot Width	125'	119.5'	123.9'	5.5'	1.1'
Reqd. Front Yd.	45'	46.8'	14.3'	0	30.7'
Reqd. Side Yd.	20'/40'	24.3'/28.9'	36.7'/73.9'	0	0
Reqd. Rear Yd.	50'	32.7'	154.2'	17.3'	0
Reqd. St Front*	70'	59.0'	124.4'	11.0'	0
Max. Bldg. Hgt.	35'	ONE STORY	ONE STORY	0	0
Min. Floor Area*	1200 S.F.	1250 S.F.	1390 S.F.	0	0
Dev. Coverage*	20%	15%	9%	0	0
Floor Area Ratio**	N/A				
Parking Area	N/A				

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

THE TRANSFERRED PARCEL IS UNUSED AND OVERGROWN. CLEARING OF BRUSH
FOR BACKYARD PRESENTS NO HEALTH, SAFETY OR WELFARE ISSUES, NOR DOES IT PRODUCE
UNDESIRABLE CHANGE IN NEIGHBORHOOD OR DETRIMENT TO NEARBY PROPERTIES. THE
BENEFIT SOUGHT CAN NOT BE ACHIEVED WITHOUT VARIANCES DUE TO PRE-EXISTING
NON- CONFORMANCE. THE ONLY SUBSTANTIAL VARIANCE IS FOR A PRE-EXISTING FRONT YARD
FOR TAX LOT 19 WHICH IS UNAFFECTED BY THE LOT LINE CHANGE. CREATING A BACKYARD
HAS NO ADVERSE EFFECT OR IMPACT ON THE ENVIRONMENT OR PHYSICAL CONDITIONS IN
THE NEIGHBORHOOD OR DISTRICT. THE SELF-CREATED VARIANCES ARE FOR REAR YARD
AND LOT AREA FOR TAX LOT 17.22. THE AMOUNT OF REAR YARD VARIANCE IS LESS
THAN THE EXISTING REAR YARD FOR TAX LOT 19, WHICH WILL BE ELIMINATED BY
THE LOT LINE CHANGE. THE ULTIMATE LOT AREA FOR TAX LOT 17.22 IS
CONSISTANT WITH THOSE IN THE NEIGHBORHOOD.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
UNUSED AND OVERGROWN BACK YARD WILL EVENTUALLY BE CLEARED AND MAINTAINED. ULTIMATE LOT SIZE AND APPEARANCE ARE CONSISTANT WITH OTHERS IN THE NEIGHBORHOOD.

XIII. ATTACHMENTS REQUIRED:

- ☒ ~~Copy of contract of sale, lease or franchise agreement.~~ Copy of deed and title policy.
☒ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
☐ N/A Copies of signs with dimensions and location.
☒ Three checks: (each payable to the TOWN OF NEW WINDSOR)
☒ One in the amount of \$ 300.00 or 500.00 (escrow)
☒ One in the amount of \$ 50.00 or 150.00 (application fee)
☒ One in the amount of \$ 25.00 (Public Hearing List Deposit)
☐ N/A Photographs of existing premises (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)
PLANNING BOARD NOTICE OF DISAPPROVAL DATED 10/19/05

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

12 day of December 2005.



Signature and Stamp of Notary



Owner's Signature (Notarized)



Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

DEBRAH A. SHIER
Notary Public, State of New York
Qualified in Orange County
Reg. # 01SH5042316
Commission Expires April 17, 2009

COMPLETE THIS PAGE ☐

7/20/09

APPLICANT/OWNER PROXY STATEMENT
(professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PATRICK CALLAHAN, deposes and says that he resides
(OWNER)
at 12 FERNANDEZ DRIVE in the County of ORANGE
(OWNER'S ADDRESS)
and State of NEW YORK and that he is the owner of property tax map
(Sec. 20 Block 2 Lot 19)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in
the foregoing application and that he authorizes:

(Applicant Name & Address, if different from owner)
WILLIAM B. HILDBRETH, L.S. 407 SOUTH PLANK ROAD UNIT 3 NEWBURGH, N.Y. 12550
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 12/12/05 ** Patrick M. Callahan
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this:
12 day of December 2005

[Signature] William B. Hildbreth
Signature and Stamp of Notary Representative's Signature

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:
ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

APPLICANT/OWNER PROXY STATEMENT

professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PHYLLIS CREAGAN, deposes and says that she resides
(OWNER)
at 18 FERNANDEZ DRIVE in the County of ORANGE
(OWNER'S ADDRESS)
and State of NEW YORK and that she is the owner of property tax map
(Sec. 20 Block 2 Lot 17.22)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in
the foregoing application and that she authorizes:

PATRICK CALLAHAN 12 FERNANDEZ DRIVE NEW WINDSOR, N.Y. 12553
(Applicant Name & Address, if different from owner)

WILLIAM B. HILDBETH, L.S. 407 SOUTH PLANK ROAD UNIT 3 NEWBURGH, N.Y. 12550
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 11-16-05

Sworn to before me this: 16 day of NOV 20 05

JANICE DIANGE
Notary Public, State of New York
No. 01D16034833
Qualified in Orange County
Commission Expires Dec 20, 2006

Signature and Stamp of Notary

**

Phyllis Creagan
Owner's Signature (MUST BE NOTARIZED)

Patrick Callahan
Applicant's Signature (If different than owner)

William B. Hildbeth
Representative's Signature

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:**

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

COMPLETE THIS PAGE ☐

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:

NAME(S) OF PARTY(S) TO DOCUMENT

Leonard G. Harris &
Cynthia A. Harris

TO

Patrick M. Callahan &
Kimberly A. Corbett

SECTION 20 BLOCK 2 LOT 19

RECORD AND RETURN TO:
(name and address)

Bloom & Bloom, PC
PO Box 4323
New Windsor, NY 12553



THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

PROPERTY LOCATION

2089 BLOOMING GROVE (TN)
2001 WASHINGTONVILLE (VLG)
2289 CHESTER (TN)
2201 CHESTER (VLG)
2489 CORNWALL (TN)
2401 CORNWALL (VLG)
2600 CRAWFORD (TN)
2800 DEERPARK (TN)
3089 GOSHEN (TN)
3001 GOSHEN (VLG)
3003 FLORIDA (VLG)
3005 CHESTER (VLG)
3200 GREENVILLE (TN)
3489 HAMPTONBURGH (TN)
3401 MAYBROOK (VLG)
3689 HIGHLANDS (TN)
3601 HIGHLAND FALLS (VLG)
3889 MINISINK (TN)
3801 UNIONVILLE (VLG)
4089 MONROE (TN)
4001 MONROE (VLG)
4003 HARRIMAN (VLG)
4005 KIRYAS JOEL (VLG)

4289 MONTGOMERY (TN)
4201 MAYBROOK (VLG)
4203 MONTGOMERY (VLG)
4205 WALDEN (VLG)
4489 MOUNT HOPE (TN)
4401 OTISVILLE (VLG)
4600 NEWBURGH (TN)
4800 NEW WINDSOR (TN)
5089 TUXEDO (TN)
5001 TUXEDO PARK (VLG)
5200 WALLKILL (TN)
5489 WARWICK (TN)
5401 FLORIDA (VLG)
5403 GREENWOOD LAKE (VLG)
5405 WARWICK (VLG)
5600 WAWAYANDA (TN)
5889 WOODBURY (TN)
5801 HARRIMAN (VLG)

CITIES

0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS
9999 HOLD

NO PAGES 4 CROSS REF. ☐
CERT. COPY ☐ ADD'L X-REF. ☐
MAP ☐ PGS. ☐
PAYMENT TYPE: CHECK ☒
CASH ☐
CHARGE ☐
NO FEE ☐

Taxable
CONSIDERATION \$ 235000-
TAX EXEMPT ☐
Taxable
MORTGAGE AMT. \$ ☐
DATE ☐

MORTGAGE TAX TYPE:

(A) COMMERCIAL/FULL 1%
(B) 1 OR 2 FAMILY
(C) UNDER \$10,000
(E) EXEMPT
(F) 3 TO 6 UNITS
(I) NAT.PERSON/CIL UNION
(J) NAT.PER-CILIN/1 OR 2
(K) CONDO

DONNA L. BENSON
ORANGE COUNTY CLERK

RECEIVED FROM: Holman

RECORDED/FILED
11/29/2004/ 07:00:00
DONNA L. BENSON
County Clerk
ORANGE COUNTY, NY

FILE # 20040136653
DEED R / BK 11681 PG 0599
RECORDING FEES 117.00
TTX# 004563 T TAX 940.00
Receipt#348042 111



0-12917

A 291 - Standard N.Y. B.T.U. F.. 8007

Bargain & sale deed, with covenant against grantor's acts - Ind. or Corp., 11-98.

**CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS
INSTRUMENT SHOULD BE USED BY LAWYERS ONLY**

THIS INDENTURE, made on October 8, 2004

BETWEEN

Leonard G. Harris and Cynthia A. Harris, residing at 12 Fernandez Drive, New Windsor, New York 12553, party of the first part, and

Patrick M. Callahan and Kimberly A. Corbett with a mailing address of P.O. Box 417, Central Valley, New York 10917, party of the second part, *as tenants in common*

WITNESSETH, that the party of the first part, in consideration of

TEN AND XX/XX dollars, good and lawful consideration of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, and more particularly described in the Schedule A attached hereto and made a part thereof:

Being and intended to be the same premises conveyed by deed dated July 13, 1987, from Joseph M. Andruszkiewicz and Arlene G. Andruszkiewicz, to the party of the first part and recorded in Liber 2752, at page 157 in the Office of the Orange County Clerk.

Being same premises commonly known as 12 Fernandez Drive, New Windsor, New York.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

SCHEDULE A

Amended 09-30-2004

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of New Windsor, Orange County, New York, and being more particularly described as follows:

BEGINNING at a point in the southeasterly line of Fernandez Drive, said point being the following four (4) courses from the center line of Silver Spring Road (said point in the center line of Silver Spring Road being 39.65' from the most northerly point of lands conveyed by Saffioti to Fernandez by deed recorded November 20, 1954 in Liber 1238 of deeds at page 348);

1) S 39 degrees 02' W 292.85'

2) S 51 degrees 30' 40" E 200'

3) S 39 degrees 02' W 137.99'

4) S 51 degrees 40' E 124.42' along the southeasterly line of Fernandez Drive to the point of BEGINNING, running thence, the following courses:

1. Along lands now or formerly Yannone, N 39-02-00 E 78.43' to a point;

2. Along lands now or formerly Creagan, S 51-26-00 E 123.46' to a point;

3. Along lands now or formerly DeGregoria, S 38-20-00 W 77.93' to a point of intersection of said lands with the southeasterly line of Fernandez Drive;

4. Along Fernandez Drive, N 51-40-00 W 124.52' to the point or place of BEGINNING.

TOGETHER with and subject to a right in common with others for purposes of ingress and egress to and from the above described parcel to Silver Springs Road and to Union Avenue.

FOR
CONVEYANCING
ONLY

The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.

TOGETHER with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.

Horizon Title Services Corp.

Title No: 0-12917

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.


IN PRESENCE OF:


LEONARD G. HARRIS


CYNTHIA A. HARRIS

State of New York, County of Orange ss.:

On 10/8/04, before me personally came Leonard G. Harris and Cynthia A. Harris, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.


Notary Public **MARC KERCHMAN**
Notary Public, State of New York
No. 02-4763908
Qualified in Orange County
Commission Expires October 31, 2008

~~Bargain and Sale Deed~~
WITH COVENANT AGAINST GRANTOR'S ACTS
TITLE No. _____

Section 20
Block 2
Lot 19
COUNTY/TOWN
Orange/New Windsor

LEONARD G. HARRIS AND CYNTHIA A. HARRIS

TO

PATRICK M. CALLAHAN AND KIMBERLY A. CORBETT

RETURN BY MAIL TO:

Daniel J. Bloom, Esq.
Bloom & Bloom
P.O. Box 4323
New Windsor, New York 12553

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

855-0-0161

068625

THIS INDENTURE, made the 24th day of November, nineteen hundred and eighty-six
BETWEEN CHARLES E. GILLIS and LEE A. GILLIS, residing at
18 Fernandez Avenue, New Windsor,

party of the first part, and JAMES B. CREAGAN and PHYLLIS CREAGAN, residing at
16 Western Drive, Ardsley, New York;

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

-----TEN AND NO/100 (\$10.00)----- dollars,

lawful money of the United States, and other good and valuable considerations paid
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the Town of New Windsor, County of Orange and State of
New York, bounded and described as follows:

SEC: 20

BLK: 2

LOT: 117.22

BEGINNING at a point which is the southwesterly corner of lands
conveyed by Joseph Fernandez to Nicholas Lynch by Deed dated
14 February 1975, and recorded in the Orange County Clerk's Office
on 24 February 1975, said point being the following two (2) courses
along the easterly line of lands now or formerly of Trent from the
center line of Silver Spring Road;

(1) 25' measured perpendicular with the center line of Silver
Spring Road.

(2) South 38° 00' West 209.0'; and running thence, along lands now
or formerly of Martin, lands of Effron and lands of Fernandez, South
53° 16' East 245.56' to the westerly line of lands now or formerly
of Swanson; thence, along the line of lands of said Swanson, South
38° 00' West 122.32' to a point in the northerly line of lands now
or formerly of Andruszkiewicz; thence, along said line and line of
lands now or formerly of Yannone, North 52° 29' West 245.50' to an
iron pipe on the northeasterly line of Fernandez Drive; thence,
along said line of Fernandez Drive in part and lands now or formerly
of Pallazza, North 38° 00' East 118.96' to the point or place of
beginning.

BEING a portion of lands conveyed to Joseph Fernandez, recorded in
Liber 1917 of Deeds at Page 49 and in Liber 1917 of Deeds at Page
46, Orange County Clerk's Office.

BEING the same premises conveyed by Joseph Fernandez to Louis
Cimorelli to Mary E. Cimorelli by deed dated June 13, 1975, and
recorded in the Orange County clerk's Office on June 16, 1975, in
Liber 2009 of Deeds at page 994

ALSO BEING the same premises conveyed by Joseph Fernandez to Louis
Cimorelli and Mary E. Cimorelli by Correction Deed dated October 6,
1975 and recorded in the Orange County Clerk's Office on the 9th
day of October, 1975, in Liber 2019 of Deeds at Page 591.

LIBER 2613 PG 57

MOST NORTHERLY POINT OF
LANDS CONVEYED BY SAFFIOTI
TO FERNANDEZ L.1238 P.348
(SEE SPECIAL NOTE NO. 2)

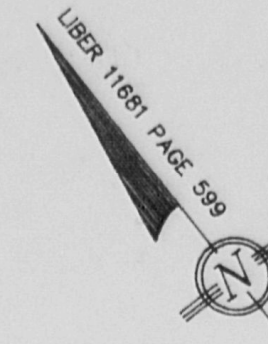
CENTER LINE OF
SILVER SPRING ROAD

N/F
WELLING
L.11119 P.1034
SEC 20 BLK 2 LOT 17.211

N/F
BOVE
L.6110 P.261
SEC 20 BLK 2 LOT 94

N/F
SANDIKE
L.4572 P.16
SEC 20 BLK 2 LOT 17.212

N/F
PETROCELLI
L.5206 P.156
SEC 20 BLK 2 LOT 17.1



N/F
MARESCO
L.4389 P.175
SEC 20 BLK 2 LOT 12

TAX MAP PARCEL LINE

S 51°30'40" E

MANHOLE

UTILITY
POLE

R-4 (A-6) ZONE BULK REQUIREMENTS

	REQUIRED	BEFORE LOT LINE CHANGE TAX LOT 17.22	PROVIDED AFTER LOT LINE CHANGE TAX LOT 17.22	BEFORE LOT LINE CHANGE TAX LOT 19	PROVIDED AFTER LOT LINE CHANGE TAX LOT 19
LOT AREA	43,560 S.F.	29,617 S.F.	** 16,783 S.F.	9,690 S.F.	*** 22,524 S.F.
LOT WIDTH	125'	119.5'	* 119.5'	123.9'	* 123.9'
FRONT YARD SETBACK	45'	46.8'	* 46.8'	14.3'	* 14.3'
SIDE YARD SETBACK	20'/40'	24.3'/68.9'	24.3'/68.9'	35.7'/73.9'	35.7'/73.9'
REAR YARD SETBACK	50'	143.8'	** 32.7'	32.5'	*** 154.2'
STREET FRONTAGE	70'	59.0'	* 59.0'	124.4'	124.4'
BUILDING HEIGHT	35'	< 35'	< 35'	< 35'	< 35'
FLOOR AREA RATIO	N/A	N/A	N/A	N/A	N/A
LIVEABLE FLOOR AREA	1200 S.F.	1250 S.F.	1250 S.F.	1390 S.F.	1390 S.F.
DEVELOPMENT COVERAGE	20%	8.5%	15%	21%	*** 9%

* PRE-EXISTING NONCONFORMANCE UNAFFECTED BY LOT LINE CHANGE
** VARIANCE REQUIRED
*** PRE-EXISTING NONCONFORMANCE DECREASED BY LOT LINE CHANGE

OWNERS CONSENT

I HAVE REVIEWED THIS PLAN AND FIND IT ACCEPTABLE

Patrick M. Callahan
OWNER TAX LOT 19

OWNERS CONSENT

I HAVE REVIEWED THIS PLAN AND FIND IT ACCEPTABLE

Phyllis Cregan
OWNER TAX LOT 17.22

NOTES

1. BEING A LOT LINE CHANGE BETWEEN LANDS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAPS AS SECTION 20 BLOCK 2 LOT 17.22 AND LOT 19.
2. PROPERTY OWNER/APPLICANT (TAX LOT 19): PATRICK M. CALLAHAN AND KIMBERLY A. CORBETT
DEED OF RECORD: LIBER 11681 PAGE 599
NEW WINDSOR, NEW YORK 12553

PROPERTY OWNER (TAX LOT 17.22): PHYLLIS CREGAN
DEED OF RECORD: LIBER 11681 PAGE 599
18 FERNANDEZ DRIVE
NEW WINDSOR, NEW YORK 12553
3. PROPERTY ZONE: R-4 (A-6) TOTAL PARCEL AREA: 0.90 ACRES
4. PARCELS SHOWN ARE SERVED BY MUNICIPAL WATER AND SEWER FACILITIES.
5. BOUNDARIES AND PHYSICAL FEATURES SHOWN HEREON RESULTED FROM FIELD SURVEYS PERFORMED UNDER THE SUPERVISION OF THE UNDERSIGNED, THE LATEST OF WHICH WAS COMPLETED ON 21 APRIL 2005.
6. OFFSETS SHOWN ARE AT RIGHT ANGLES TO THE PROPERTY LINES, UNLESS OTHERWISE NOTED.
7. NO CERTIFICATION IS MADE FOR ITEMS NOT VISIBLE AT GROUND SURFACE AT THE TIME OF SURVEY.
8. UNAUTHORIZED ALTERATION OR ADDITION TO A PLAN BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209(2) OF THE NEW YORK STATE EDUCATION LAW.

CERTIFICATION

I hereby certify that this plan resulted from an actual field survey of the indicated premises completed on 21 April 2005 performed in accordance with the code of practice adopted by the N.Y.S. Association of Professional Land Surveyors, Inc., and s, to the best of my knowledge and belief, correct.
CERTIFIED TO: Patrick M. Callahan
Kimberly A. Corbett
Phyllis Cregan

PLANNING BOARD APPROVAL

PLANNING BOARD NO. _____

William B. Hildreth
Land Surveying, P.C.
407 SOUTH PLANK ROAD UNIT 3, NEWBURGH, N.Y. 12550
TEL: (845) 566-6690

PLAN FOR: PATRICK M. CALLAHAN
and PHYLLIS CREGAN

REVISIONS	DATE	DESCRIPTION	ACAD/POLL
1			
2			
3			
4			
5			

TOWN OF NEW WINDSOR ORANGE COUNTY NEW YORK
Drawn: 1681
Checked:
Scale: 1"=20'
Date: 7 Sept. 2005
Job No: 04-075

FINAL PLAN LOT LINE CHANGE

